

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JENNIFER BRADLEY,

Plaintiff,

v.

AMERICAN UNIVERSITY, *et al.*,

Defendants.

Civil Action No. 1:16-cv-00346-RBW

**PLAINTIFF'S OPPOSITION TO DEFENDANT AMERICAN UNIVERSITY,
MARYLAND SPORTS MEDICINE CENTER, DAVID L. HIGGINS, M.D., AND DAVID
L. HIGGINS, M.D., P.C.'S MOTION
FOR SUMMARY JUDGMENT AND
CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT**

COMES NOW Plaintiff, by and through undersigned counsel, and respectfully submits to this Honorable Court her Opposition to Defendants American University, Maryland Sports Medicine Center, David L. Higgins, M.d., and David L. Higgins, M.D., P.C.'s Motion for Summary Judgment and Cross-Motion for Summary Judgment. In opposition thereto, Plaintiff states the following and relies upon the accompanying Memorandum of Points and Authorities:

1. There has been ample evidence to establish that a direct duty fell upon Defendant American University. Defendant's Motion ignores the testimony put forth by Corey Andres regarding the negligence of Coach Jennings as well as the testimony of Dr. Vollmar regarding the negligence of Ms. Earls and the testimony and report of Dr. Cantu regarding the negligence on the part of all-American University officials, including Sean Dash, for crafting a medical management plan for individuals who complained about concussion symptoms but were yet to be diagnosed with a concussion.
2. Defendants' Motion overlooks the concept of *respondeat superior* and agency law, which makes American University jointly and severally liable for the conduct of its actual and apparent agents,

including Drs. Higgins and Williams. Likewise, the same concepts apply to Dr. Higgins for the care and treatment rendered by Dr. Williams.

3. Defendant's reliance upon a statute crafted well after the negligence in this matter is misplaced and demonstrates that the training staff was in fact acting as a healthcare practitioner.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of December, 2019, a true copy of the foregoing ECF File System was provided via the Court's ECF system to:

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